

RESOLUTION NO. _____, SERIES 2009

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE LOUISVILLE RIVERWALK.

Sponsored By: Councilwoman Cheri Bryant Hamilton

WHEREAS, Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f), may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

WHEREAS, Metro (as successor to Jefferson County and the City of Louisville) has constructed the Louisville Riverwalk to provide a pedestrian and bicycle path connecting the Fourth Street Warf to Shawnee Park for the benefit of the general public; and

WHEREAS, portions of the Louisville Riverwalk cross private property; and

WHEREAS, in order to insure uniform public access to the entire Riverwalk, it is necessary for Metro to obtain permanent easements across the private property containing the Louisville Riverwalk, including a portion of the property known as 2910 Northwestern Parkway and shown in exhibit A attached hereto; and

WHEREAS, Metro has not been able to acquire the needed easement shown on Exhibit A ("Condemned Property") from the owner of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section 1: That in order to insure public access to the Louisville Riverwalk, Metro Government needs to acquire the Condemned Property, as shown on Exhibit A. The Condemned Property is an easement over a portion of the property acquired by Jack E. Custer and Sandra M. Custer, husband and wife, by deed dated December 2, 2003, of record in Deed Book 8312, Page 176, in the Office of the County Clerk of Jefferson County, Kentucky (the "Property").

Stock Yards Bank and Trust Company may have an interest in the Property by virtue of a mortgage dated December 2, 2003, of record in Mortgage Book 8342, Page 985, in the Office of the County Clerk of Jefferson County, Kentucky.

JPMorgan Chase Bank, N.A. may have an interest in the Property by virtue of a mortgage dated January 26, 2007, of record in Mortgage Book 10559, Page 392, in the Office of the County Clerk of Jefferson County, Kentucky.

Since Metro cannot, by agreement with the owners of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owners of the Condemned Property.

Section 2: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

Section 3: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

Custer Eminent Domain RiverWalk Res.ROC jab,bkn Draft 1

12-8-08